

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:22-cv-05998-FMO (SK) Date: September 2, 2022

Title Nathan D. Phillips v. R. C. Johnson

Present: The Honorable: Steve Kim, United States Magistrate Judge

Connie Chung
Deputy Clerk

n/a
Court Reporter / Recorder

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

None present

None present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE

Petitioner is an inmate at California State Prison, Los Angeles County seeking federal habeas relief under 28 U.S.C. § 2254. (ECF 1 at 1-2). His petition is deficient, however, because Petitioner asserted no grounds for relief. *See* Rule 2(c) of Rules Governing § 2254 Cases. The pages from his CV-69 form where he would assert his grounds for relief and supporting facts are missing from the petition (ECF 1 at 4-5), and he didn't include (and cite to) a copy of his state court petition either, *see Barnett v. Duffey*, 621 F. App'x 496, 497 (9th Cir. 2015) (“[A] federal habeas petitioner adequately pleads an otherwise ambiguous claim by making ‘clear and repeated’ references to an appended supporting brief that presents the claim with sufficient particularity.” (citation omitted)). And because Petitioner includes state court orders from different years involving different issues, it is unclear precisely what grounds for relief Petitioner is asserting.

Petitioner is thus **ORDERED TO SHOW CAUSE** on or before **October 3, 2022** why his petition should not be dismissed for failure to state any grounds for relief and failure to comply with the Rules Governing § 2254 Cases. To discharge this order, Petitioner may file an amended petition using the attached Form CV-69 that fixes these deficiencies. Additionally, if Petitioner chooses to file an amended petition, he is notified that all claims in his petition must be fully exhausted, meaning they must be first presented up to the California Supreme Court. *See* 28 U.S.C. § 2254(b)(1)(A); *Baldwin v. Reese*, 541 U.S. 27, 29 (2004). If he no longer wishes to pursue this petition, he may voluntarily dismiss it using the attached Form CV-09. Failure to comply with this order may result in involuntary dismissal of the petition for failure to prosecute and obey court orders. *See* Fed. R. Civ. P. 41(b); L.R. 41-1.